

FILED

2016 JUN 30 PM 3: 28

LYNN FAZZ
CLERK OF SUPERIOR COURT
ARIZONA 85364

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YUMA

IN THE MATTER OF:)

PROHIBITING DALE FRANK MAISANO)
FROM FILING ANY LAWSUIT IN YUMA)
COUNTY WITHOUT OBTAINING PRIOR)
PERMISSION FROM THE COURT)

Administrative Order
No. 2016-26

Mr. Dale Frank Maisano is a prison inmate in the custody of the Arizona Department of Corrections (ADC). In the year 2016, Mr. Maisano has instituted three separate lawsuits against various ADC officials, S1400CV201600149, S1400CV201600299, and S1400CV201600309. Mr. Maisano has failed to prosecute all three cases and has not served any defendant in any of said three cases. In fact, Mr. Maisano's pleadings are entirely unintelligible.

In determining whether the court should issue orders to curtail wasteful litigation and motion practice and in reviewing the plaintiff's request for a deferral of fees as well as the plaintiff's prior litigation history, the court relies on its inherent authority to screen cases to insure the orderly administration of justice. A court's inherent authority may be defined as such powers as are necessary to the ordinary and efficient exercise of jurisdiction. "*State v. Superior Court*, 39 Ariz. 242, 247-48, 5P.2nd 192, 194 (1931).

As the court stated in *Acker v. CSO Chevira*, 199 Ariz. 252, 934 P.2nd 816 (1997), a court's inherent authority is largely unwritten; appellate affirmation of an exercise of that authority ordinarily is grounded on trial court findings and conclusions which explains its actions. In *Jones v. Warden of Stateville Correctional Center*, 918 F.Supp. 1142, 1153 and 1156 (N.D.Ill.1995), the federal court held that the inmate's access to the courts could be severely curtailed because he had proven himself to be a "recreational litigant" who "repeatedly and

1 flagrantly abused the judicial process by inundating the courts with frivolous and repetitive
2 lawsuits.”

3 Given the plaintiff’s propensity to file lawsuits with no discernable allegations and given
4 the plainly frivolous nature of the complaints and the conduct of plaintiff in pursuing litigation,
5 the court does find the plaintiff to be a vexatious litigant.

6 In doing so, the court must tailor its Order only so much as needed to curtail plaintiff’s
7 inappropriate conduct. Based on the court’s review of the record, the court believes that the only
8 order that will adequately address plaintiff’s litigiousness is an Order prohibiting plaintiff from
9 filing any lawsuit in Yuma County without obtaining permission from the Presiding Judge of the
10 County.

11 Any motion for leave to file shall be captioned, “Application Pursuant to Court Order
12 Seeking Leave to File.” Plaintiff must either cite this Order in his application, or attach as an
13 exhibit a copy of this Order. In seeking leave to file, plaintiff is required to certify under penalty
14 of perjury that the claim or claims he wishes to present are new claims never before raised and
15 disposed of by any other court, within or outside Yuma County. He would also need to certify
16 that the claims are neither frivolous nor made in bad faith.

17 This Order does not prohibit plaintiff from responding to any litigation in which he is a
18 named defendant.


19 In accordance with the foregoing,

- 20 1. The Clerk of Court may receive and file documents from Mr. Maisano relating to
21 any cause numbers pending as of the date of this order. Prior approval of the
22 Presiding Judge is not required for such filings. Mr. Maisano is advised, however,
23 that if he files vexatious, frivolous, scandalous, impertinent, or otherwise
24 inappropriate matters, the court will reinstate the pre-approval requirement for all
25 filings.
- 26 2. Mr. Maisano may not file, and the Clerk of Court shall not accept, any new causes of
27 action after the date of this order without leave of the Presiding Judge. If Mr.
28 Maisano wishes to file a new cause of action, he shall submit the proposed filing to

1 the Presiding Judge, along with a copy of this order and a proposed filing to the
2 Presiding Judge, along with a copy of this order and a proposed form of order for the
3 court's signature. If approval for filing the new action is granted, the Clerk of Court
4 may accept subsequent filings in the cause number from Mr. Maisano.

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6 **IT IS FURTHER ORDERED** that Mr. Maisano may petition this court for a
7 hearing on this Order no later than August 15, 2016.

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9 DATED: this 30th day of June, 2016.

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11 
12 Honorable Maria Elena Cruz
13 Presiding Judge
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COPIES TO:

13 Hon. Larry Kenworthy
14 Hon. John Paul Plante
15 Hon. Mark Wayne Reeves
16 Hon. David M. Haws
17 Hon. Roger Nelson
18 Hon. Kathryn Stocking-Tate
19 Hon. Stephen Rouff
20 Hon. Gregory S. Stewart
21 Hon. Yolanda F. Torok
22 Hon. Juan Guerrero
23 Hon. Russ Jones
24 Hon. Manuel Figueroa
25 Hon. Kristin McManus
26 Hon. Cora Romine
27 Lynn Fazz, Clerk of Superior Court

28 Dale Maisano
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